

## **RESOLUTION**

### **RESOLUTION AUTHORIZING CONVEYANCE OF CERTAIN SANITARY SEWER EASEMENTS TO THE DES MOINES METROPOLITAN WASTEWATER RECLAMATION AUTHORITY**

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**WHEREAS**, the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) desires to construct a sanitary interceptor sewer to convey wastewater from Ankeny to the wastewater reclamation facility located in Des Moines; and

**WHEREAS**, the proposed sanitary interceptor sewer will cross the street right-of-way of NE 86<sup>th</sup> Avenue (SE Magazine Road), NE 78<sup>th</sup> Avenue (SE Oralabor Road) and property owned by the City of Ankeny located on NE 78<sup>th</sup> Avenue being used for the Oralabor Road Lift Station; and

**WHEREAS**, the WRA has requested that the City of Ankeny grant sanitary sewer easements to accommodate construction of the proposed sanitary interceptor sewer; and

**WHEREAS**, on September 7, 2010 by Resolution No. 2010-241, this Council determined that a public hearing on such proposal should be set for 5:30 p.m. on September 20, 2010 at City Council Chambers, 410 West First Street, Ankeny, Iowa; and

**WHEREAS**, due notice of said proposal to convey said easements was given as provided by law, setting forth the time and place for hearing on said proposal; and

**WHEREAS**, in accordance with said notice, those interested in said proposed conveyance, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Ankeny, Iowa that:

1. Upon due consideration of the facts and statements of interested persons, if any, all objections to the proposed conveyance of said permanent easements to the WRA are hereby overruled and the hearing is closed.

2. The conveyance by the City of Ankeny, Iowa of permanent easements to the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) in accordance with Iowa Code Section 364.7(3) and in accordance with the Amended and Restated Agreement for the Des Moines Metropolitan Wastewater Reclamation Authority, for the public purpose of construction, operation, maintenance and access to the sanitary sewer facilities in existence and/or to be constructed for the WRA Four Mile Interceptor– Phase 24, Segments 3 and 4 Project, be and is hereby approved.

3. The Mayor and City Clerk are hereby authorized and directed to execute and attest, respectively, the permanent easement document on file in the office of the City Clerk for the conveyance identified above.

4. The City Clerk is authorized and directed to forward the original of said easement document, together with a certified copy of this resolution and of the affidavit of publication of the notice of this

hearing to the Legal Department of the WRA Operating Contractor for the purpose of causing said documents to be recorded with the Polk County Recorder's Office, and a copy thereof provided to the grantee.

Dated at Ankeny, Iowa this **20th** day of **September**, 2010.

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Steven D. Van Oort, Mayor

ATTEST:

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Pamela DeMouth, City Clerk